

Warren Havens
& Polaris PNT PBC

October 3, 2016

To: Marlene Dortch, Secretary
Federal Communications Commission

Attn: Chief, Wireless Telecommunications Bureau
General Counsel, Office of General Counsel

CC: On ECFS in dockets 11-71, 13-85, 11-79, 10-83.

Re: Information update regarding two recent bankruptcy court orders, in relation to interests of Havens and Polaris.¹

This is an information update and not a presentation under ex parte rules. If the FCC instructs that I file this in another, or additional, manner or serve any party, and provides the reasons, I will do so.²

The bankruptcy court cases noted below were previously identified to the FCC, and the FCC is a party in each of these bankruptcy cases.

Attachment 1. In the involuntary bankruptcy case of the “Leong Partnership” before the US Bankruptcy Court in California, attached is the recent Order denying the Motion to Dismiss submitted by Arnold Leong, after a hearing on the motion and related matters.

Attachment 2. In the appeal case, of the dismissal of the voluntary bankruptcy case of Skybridge Spectrum Foundation, before the US District Court, Delaware, attached is the recent Order regarding a court-supervised mediation.

The Endnote follows.

/s/

Warren Havens
Individually, and as President of Polaris PNT, PBC

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¹ Polaris PNT, PBC is a Delaware Public Benefit Corporation. Herein, “I” and “Havens” means the undersigned, Warren Havens. (Continued in Endnote.)

² FCC staff at the Office of General Counsel have given me differing instructions as to whether or not I am a party in dockets 11-71 and related matters, and FOIA responses I received this year also show the differences. Recently, the Commission in *MO&O* FCC 16-120 indicated Havens is a party. I have complied with staff instructions, and to my knowledge with ex parte rules, and reserve all rights as to others not doing so.

Endnote

This Endnote is referenced in footnote 1.

Warren Havens presents this for himself individually and for Polaris PNT PBC, as its President. This concerns procedural rights and procedure under the Communications Act, FCC rules, and the US Constitution and its Amendments as to FCC matters subject of this filing, and certain other FCC filings by Havens this year.

For the *below and other reasons*, Havens has had, since start of matters to which this filing pertains, to this day, legal interest and standing in said matters under FCC practice, including as meant in 47 USC §402, and case law on Article III of the US Constitution.

Havens is designated as an individual party in FCC 11-64, for purposes of docket 11-71 (and thus for the related dockets including 13-85) for reasons shown in the proceedings cited in and leading to FCC 11-64 (confirmed in FCC 16-120).

In this regard, Havens has pending before the Commission and before FCC Judge Sippel pleadings seeking, *inter alia*, appeal, reconsideration, and declaratory relief, regarding the *MO&O* FCC 15M-14, purportedly an interlocutory order and the rule involved §1.251(f) and (f)(3).

Also in this regard, the Commission recently issued determinations in the *MO&O* FCC 16-120 regarding certain FOIA requests Havens submitted for documents of material importance to “issue (g)” and other issues in docket 11-71 under FCC 11-64 (and thus, regarding related FCC matters as well). The Commission determined that FOIA requests of Havens were untimely decided upon, and some were improperly denied by FCC staff that processed the requests (the Enforcement Bureau, which ceased prosecution of the case in 11-71 assigned in FCC 11-64, and possibly others). In this *MO&O*, the Commission noted a mediation program available as to other FOIA requests that were denied and upheld in this *MO&O* (by the Office of Government Information Services, under the Open Government Act of 2007). Havens has applied under this program and copied the FCC.

Havens is majority interest holder, or sole interest holder, in all of those LLC entities, and is the sole non-profit Member of Skybridge Spectrum Foundation.

Havens asserts rights to present to the FCC under the First amendment and the US Supreme Court ruling in *WOW v Johnson*, 326 U.S. 120 (upholding “freedom of the Society [party at issue, to exercise].... private rights of parties as to [act before the FCC without] restrictions upon the licensing system which Congress established”).

Havens and Polaris are petitioning creditors in the involuntary bankruptcy case of the “Leong Partnership” described above. Rights to bankruptcy is under the Constitution, e.g., *see International Shoe v. Pinkus*, 278 U.S. 261.

Havens is the sole nonprofit Member and Director of Skybridge Spectrum Foundation subject to the pending Delaware USDC case described above. Rights to bankruptcy is under the Constitution, e.g., *see International Shoe v. Pinkus*, 278 U.S. 261.

Havens and Polaris have communicated and met with the FCC regarding new wireless technologies, services and business they are pursuing, that have relation to matters herein.

Havens is designated by the Superior Court, State of California, as the person to act for LLCs and Skybridge Spectrum Foundation identified in FCC 11-64 in an arbitration involving Arnold Leong who alleges, until a recent week, to have held co-control in these entities from their commencement without FCC application or consent.

Other relevant facts and rights also apply including under *Ex parte Young*, 209 U.S. 123, 18 USC, and whistleblower laws including at Federal Register at 78 FR 60169. ///

ATTACHMENT 1



The following constitutes
the order of the court. Signed September 23, 2016

A handwritten signature in black ink, reading "Charles Novack", is written over a horizontal line.

Charles Novack
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

LEONG PARTNERSHIP,

Debtor.

Case No. 16-42363 CN
Chapter 11

**ORDER DENYING MOTION TO
DISMISS**

On September 22, 2016, the court conducted a hearing on Arnold Leong's motion to dismiss this involuntary petition (the "Motion to Dismiss"). Appearances were stated on the record. For the reasons stated on the record,

IT IS HEREBY ORDERED that:

1. The Motion to Dismiss is denied.
2. The Debtor shall file an answer to the Involuntary Petition by **October 4, 2016**.

*** * * END OF ORDER * * ***

Case No. 16-42363 CN

COURT SERVICE LIST

Recipients are ECF participants.

ATTACHMENT 2

From: <ded_nefreply@ded.uscourts.gov>

Date: September 30, 2016 at 10:05:51 AM EDT

To: <ded_ecf@ded.uscourts.gov>

Subject: Activity in Case 1:16-cv-00633-GMS In re: Skybridge Spectrum Foundation Oral Order

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court
District of Delaware

Notice of Electronic Filing

The following transaction was entered on 9/30/2016 at 10:05 AM EDT and filed on 9/30/2016

Case Name: In re: Skybridge Spectrum Foundation

Case Number: [1:16-cv-00633-GMS](#)

Filer:

Document Number: 7 (No document attached)

Docket Text:

ORAL ORDER: A teleconference with counsel was held on 9/26/16. As a result, IT IS ORDERED that on or before 10/17/16, a joint email to Chief Magistrate Judge Thyng and her Judicial Administrator shall be submitted regarding the parties' discussions. IT IS FURTHER ORDERED that a teleconference is scheduled for 10/19/16 at 1:00 PM Eastern Time to be initiated by counsel for appellee. Ordered by Judge Mary Pat Thyng on 9/30/16. (cak)

1:16-cv-00633-GMS Notice has been electronically mailed to:

William D. Sullivan wsullivan@sha-llc.com

Elihu Ezekiel Allinson, III zellinson@sha-llc.com

Bradford J. Sandler bsandler@pszjlaw.com

Peter James Keane pkeane@pszjlaw.com

1:16-cv-00633-GMS Filer will deliver document by other means to: